

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

ERIC WILLIAMS
T/U/O Mayor & City Council
of Baltimore City

Plaintiff

-vs-

H. D. INDUSTRIES, INC.

Defendant

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CIVIL ACTION #WMN-02-2147

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PLAINTIFF'S MOTION FOR POSTPONEMENT OF TRIAL DATE

Eric Williams, Plaintiff, by his attorney, Mark E. Herman, hereby moves for a postponement of the trial date in the above-styled case, and in support thereof, says:

1. During the Scheduling Conference in the above-styled case, Plaintiff overlooked the case of *Vera Battiste v. Tri-Star Management* as being assigned the same trial date. (See attached Exhibit I) The trial date in *Battiste* was established prior to the trial date in *Williams* and the current trial date was only issued after two previous attempts to have the case go forward with assigned trial dates, one while the case was in the assignment of the Circuit Court but never assigned a Judge, and second, the case was assigned a Judge, all parties were present along with witnesses and experts, but the case could not proceed despite waiting a full day because no jury pool could be convened sufficient enough in numbers so as to proceed with jury selection.
2. The trial date in the above-styled case has not previously been postponed.
3. Defendant does not object to this request. (See E-mail attached as Exhibit II).

WHEREFORE, for the foregoing reasons, Plaintiff requests a change in the trial date.

MARK E. HERMAN
Attorney for Plaintiff
14 W. Madison Street
Baltimore, Maryland 21201
(410) 837-2144

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CERTIFICATE OF SERVICE

I hereby certify that on this 1st day of April, 2004, a copy of the Plaintiff's Motion for Postponement of Trial date and proposed Order which were electronically filed in this case on February 24, 2004, was mailed via first class mail, postage prepaid, to Robert H. Bouse, Jr., Esq., Jonathan A. Cusson, Esq., Anderson, Coe & King, LLP, 201 N. Charles Street, Suite 2000, Baltimore, Maryland 21201, attorney for H. D. Industries, Inc., and Thurman W. Zollicoffer, Jr., Esq., City Solicitor, Mayor & City Council of Baltimore City, 101 City Hall, Baltimore, Maryland 21202.

MARK E. HERMAN, Fed. Bar #01056
14 W. Madison Street
Baltimore, Maryland 21201
(410) 837-2144
(410) 246-1884 (Fax)

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

ERIC WILLIAMS
T/U/O Mayor & City Council
of Baltimore City

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Plaintiff

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CIVIL ACTION #WMN-02-2147

-vs-

*

H. D. INDUSTRIES, INC.

*

Defendant

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* * * * *

ORDER GRANTING PLAINTIFF'S MOTION FOR POSTPONEMENT OF TRIAL DATE

UPON consideration of Plaintiff's Motion for Postponement of Trial date, and any
opposition thereto, it is this _____ day of _____, 2004, by the United States
District Court for the District of Maryland;

ORDERED that Plaintiff's Motion is hereby GRANTED.

JUDGE

ASSIGNMENT OFFICE
CIRCUIT COURT FOR HARFORD COUNTY
Courthouse
20 West Courtland Street
Bel Air, MD 21014
Assignment Office:
Baltimore Line: (410)879-0012

TO: Mark E Herman Esq
14 W Madison St
Baltimore, MD 21201

Date: December 19, 2003

Ref: 12-C-01-001410 OT

In Re: Vera Battiste vs Tristar Management Inc

Take notice that the above case has been scheduled for a
Civil Jury Trial on May 17, 2004 at 09:30AM.

PLEASE NOTE:

1. Check immediately for availability of clients, witnesses, etc.
2. Notify Assignment Office BY CONFERENCE CALL for any change in trial date by calling 410-879-0012.
3. If there are any objections to a continuance, a formal Motion and Order of Court will be required.
4. NOTE: All Discovery and Other Deadlines set by a Pre-Trial Order are still binding by all parties.
5. Advise Assignment Office 30 DAYS PRIOR TO trial date of your estimate of trial time.

LOU ANN BANE
Assignment Clerk

JANE DEHAVEN
Assistant Assignment Clerk

CC: Mark T Mixter Esq

Exhibit I .

Mark H.

From: "Jonathan A. Cusson" <Cusson@acklaw.com>
To: <markherman@wgk-law.com>
Sent: Tuesday, March 30, 2004 2:22 PM
Subject: Williams

The last two weeks in June look best, but file your motion and we would prefer to have a conference call to determine a new date. Thanks, Jon

Jonathan A. Cusson
Anderson, Coe & King, LLP
201 N. Charles St., suite 2000
Balto., MD 21201
(410) 752-1630

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Exhibit II

3/30/2004